

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

KYLE DAVIS and BETTY DAVIS,

Plaintiffs,

Case No. 2:15-cv-11125

vs.

Hon. Avern Cohn

TRANE U.S. INC. d/b/a TRANE,
a foreign corporation,

Defendant.

DEFENDANT'S NOTICE OF NON-PARTY AT FAULT

Defendant, TRANE U.S. INC. d/b/a TRANE ("Trane"), through its undersigned counsel, pursuant to MCL 600.2957, provides the following Notice of Non-Parties at Fault in this case:

1. Johnson and Wood, L.L.C., its members and managers, 2130 Hemphill Rd., Burton, Michigan 48529.

TRANE believes that this entity's actions or inactions in connection with the installation of the unit at issue in this matter contributed, in whole or in part, to the injuries complained of in Plaintiffs' Complaint, and that such conduct is a proximate cause of the damages complained of by Plaintiffs. The basis for believing that the conduct of Johnson and Wood, L.L.C. may be a proximate cause of Plaintiffs' damages includes, but is not limited to, its failure to follow provided

installation instructions, failure to provide proper safety training, failure to provide appropriate rigging and delivery services, and failure to adequately staff the installation of the unit.

2. Wayne Westland Community Schools, 36745 Marquette, Westland, Michigan 48185.

TRANE believes that this entity's actions or inactions in connection with the installation of the unit at issue in this matter contributed, in whole or in part, to the injuries complained of in Plaintiffs' Complaint, and that such conduct is a proximate cause of the damages complained of by Plaintiffs. The basis for believing that the conduct of Wayne Westland Community Schools may be a proximate cause of Plaintiffs' damages includes, but is not limited to, its failure to provide a reasonably safe work environment.

3. Melton Truck Lines, Inc., 808 N. 161st E. Ave, Tulsa, OK 74116.

TRANE believes that this entity's actions or inactions in connection with the installation of the unit at issue in this matter contributed, in whole or in part, to the injuries complained of in Plaintiffs' Complaint, and that such conduct is a proximate cause of the damages complained of by Plaintiffs. The basis for believing that the conduct of Wayne Westland Community Schools may be a proximate cause of Plaintiffs' damages includes, but is not limited to, its failure to

properly ship the unit and its failure to ship the unit with the safety and installations instructions.

Additional support for the fault of these non-parties may be developed through discovery that is ongoing.

Respectfully Submitted,

/s/ Harold D. Pope

Harold D. Pope, III (P34882)

Salvatore J. Vitale (P75449)

Jaffe, Raitt, Heuer & Weiss, PC

Attorneys for Defendant

27777 Franklin Rd., Suite 2500

Southfield, MI 48034

(248) 351-3000

hpope@jaffelaw.com

Dated: August 7, 2015

JAFFE RAITT HEUER & WEISS, P.C.

CERTIFICATE OF SERVICE

I hereby certify that I am employed by Jaffe Raitt Heuer & Weiss, PC, and that on August 10, 2015 I electronically filed the foregoing papers with the Clerk of the Court using the ECF system which will send notification of such filing to all counsel of record.

/s/ Joan Henderson
Jaffe Raitt Heuer & Weiss, PC
jhenderson@jaffelaw.com

JAFFE RAITT HEUER & WEISS, P.C.